MINISTRY OF TRANSPORT.

RAILWAYS ACT, 1921.

SIXTH ANNUAL REPORT

OF THE

RAILWAY RATES TRIBUNAL

for the Year 1927.



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RAILWAYS ACT, 1921.

THE RAILWAY RATES TRIBUNAL.

SIXTH ANNUAL REPORT-FOR THE YEAR 1927.

To Lt.-Col. The Rt. Hon. WILFRID W. ASHLEY, M.P., Minister of Transport.

SIR,

We, the Railway Rates Tribunal, established under Section 20 of the Railway Act, 1921, have the honour to make to you our Sixth Annual Report, for the year 1927, in accordance with Section 22 (3) of the said Act.

Organisation.

The constitution of the Tribunal remains unaltered. The terms for which we were appointed expired during the year, but we were re-appointed, in each case for a further period of two years.

Proceedings.

It is with satisfaction that we report the close of the transitory period, the arrival of the Appointed Day and the inauguration of the new system of railway charges under the Railways Act, 1921.

In this and our previous reports are given the details of the various steps by which we have proceeded in establishing the new system, but we give hereunder, in what we think may be a useful summary form, a list of the matters stated approximately in the order in which we commenced to consider them.

I.—Packing Regulations.

II .- Standard Terms and Conditions of Carriage.

III .- Schedules of Standard Charges : --

(1) Minimum Distances, Mileage Gradations and Forms of Schedules.

(2) Preliminary Questions of Principle.

(3) Standard Revenues-

(a) Aggregate Net Revenues in 1913.

(b) Allowances under Section 58 (1)(a).

(c) Allowances under Section 58 (1)(b).
 (d) Allowances under Section 58 (1)(c).

(e) Allowances for Economies.

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Ford Collection

- (4) Estimates of Railway Working Expenses for "A" year.
- (5) Estimates of Revenue from Other Sources for "A" year.
- (6) Gross Revenues for "A" year and the Allocation thereof.
 - (7) Fixation of Standard Charges.
- IV.—Schedules of Circuitous Routes.
- V.—Reductions from the Standard Charges for Owner's Risk.
- VI.—Continuance of Special Charges under Section 34.
- VII.—Application of Schedules of Standard Charges to Non-Amalgamated Railway Companies.
- VIII.—Alterations in the new Classification of Merchandise.

Before establishing this system we were instructed by the Act to hear all parties interested and who were desirous of being heard. Large numbers of Parties were interested in each stage of the proceedings—for example—in the case of the draft Schedules of Standard Charges, over 600 Parties expressed their desire to be heard. By co-ordination, in which we were assisted by the Traders Co-ordinating Committee, these numbers were reduced to more manageable dimensions and the hearings required by the Act made possible.

Even after this reduction, the consideration of all the varied interests of the Railway Companies, the Traders and the General Public involved a wide survey of railway law, finance and commercial practice. We held some 150 public sittings and heard the arguments and evidence submitted on behalf of the Railway Companies and of many hundreds of Trade Associations, individual Praders, Public Authorities, Passenger Associations, individual Passengers and others. We have thus discharged the obligation which the instructions in the Act laid upon us, at the least expenditure of time that under the circumstances was possible. The inquiry had to be conducted contemporaneously with the discharge of the other duties which the Act laid upon us.

We believe that the time has been well spent, and has been effective in realizing what we understand to be one of the main objects of the Act: namely, to bring the Traders and the Railway Companies into relationship with each other as partners in the business of transport, on which they both depend. No such relationship is possible except upon the basis of knowledge—until burriers of misspprehension have been broken down and each is able to comprehend the position of the other. This open inquiry which we have held, at which each party has been at liberty and indeed encouraged to explore in the freest way the position of the other, has brought with it to each a knowledge of the limitations

under which the other works; with this knowledge has come forbearance and tolerance and a desire to co-operate within the limits of what is possible. We do not think that the time spent is too high a price to pay for such a result.

We desire to acknowledge the assistance which we have received from all parties alike, the Railway Companies, the users of the railways and your Ministry.

Having established the system we look forward with great interest to the first results of its working and to the exercise of the complete jurisdiction which the Act now confers upon us.

During 1927 we completed the proceedings relating to the Schedules of Standard Charges, the Schedules of Circuitous Routes, the Owner's Risk Reductions, and the Standard Terms and Conditions of Carriage. At the beginning of the year we had before us 18 pending applications and during the year we received 51 further applications. These applications related not only to the charges in operation during the transitory period under Section 60, but also to various matters affecting the permanent system of charges, such as alterations in the new Classification of Merchandise under Section 28 (1)(a), the application of Schedules of Standard Charges to Non-Amalgamated Railway Companies under Section 33 and the determination of Minimum Distances under Section 48, and the continuance of Special Charges under Section 34. We . also received a large number of Exceptional Rates, referred to us for determination under Section 36. We deal generally with all these matters in the body of our report and give detailed particulars, where necessary, in the first schedule thereto.

In order that reports of our proceedings may be available to all persons interested, our practice is to issue, through H.M. Stationery Office, official reports of all proceedings of general interest. Where no official reports are issued, reports are usually taken on behalf of the Parties and copies supplied to us. All such reports are open to inspection at our Office. We endeavour to make our annual reports a complete guide to our proceedings by stating the dates of all official reports and, where no official reports are issued, by indicating in some detail the nature of the matters dealt with.

Schedules of Standard Charges.

At the beginning of the year we had dealt with all matters relating to standard charges, with the exception of (1) the determination of the amounts of capital expenditure since the 31st December, 1923, and the amounts of the total allowances under paragraph (6) of Section 58 (1) of the Railways Act; (2) the settlement of the Schedules of Standard Charges, which we had already provisionally approved.

There was an outstanding appeal by the Manchester Ship Canal Company and the Dock and Harbour Authorities Association against our judgment of 30th March, 1926, which dealt with certain questions of law arising on the Estimates of Revenue from Other Sources for "A "year (Docks, Harbours and Wharves). This appeal was heard by the Court of Appeal on 11th, 12th, 18th, 14th, 17th and 18th January, 1927, and judgment was given on 21st February, 1927. The order made by the Court of Appeal was that the appeal be allowed in accordance with the terms of the judgment of that Court, the Railway Companies to pay costs. This order was brought before us at a later date and we refer to it hereafter.

Notice of appeal was lodged by the National Gas Council of Great Britain and Ireland against our judgment of 30th December, 1926, which provisionally approved the Schedules of Standard Charges, or against so much thereof as fixed the Standard Charges for Coal, Coke and Patent Fuel. This appeal was heard by the Court of Appeal on 27th. 28th, 29th April and 2nd May, 1927, and was dismissed, each Party being ordered to pay its own costs.

On 10th June, 1927, we gave notice to the interested Parties that the four Amalgamated Railway Companies had lodged particulars of expenditure on capital account incurred from 1st January, 1924, up to the dates specified hereunder in regard to each Company.

London &	North	Eastern	Railway			
Company				26 th	March,	1927.
London M		Scottish	Railway			
	D. 1				April,	
Great Wes Southern F					April,	

We further gave notice that copies of these particulars might be obtained from the Railway Companies, or might be inspected here, and that we would sit on Monday, 4th July, 1927, to consider, under the provisions of Section 58 of the Railways Act, 1921, the said expenditure on capital account and also finally to settle the Schedules of Standard Charges to be made by the four Amalgamated Railway Companies respectively and to appoint a day when they should come into operation.

The hearing before us occupied the 4th, 5th and 6th July, 1927, and official reports of the proceedings were published by H.M. Stationery Office. We had first to consider a motion, by the Manchester Ship Canal Company and the Dock and Harbour Authorities Association, that a date might be fixed upon which we should take into consideration the charges in respect of the businesses carried on by the Amalgamated Companies ancillary or subsidiary to their respective railways, the charges for which were not subject to our

jurisdiction, in accordance with the provisions of Section 58 (4) of the Railways Act and the decision of the Court of Appeal dated 21st February, 1927. After hearing all the arguments and considering very carefully the judgment of the Court of Appeal, we came to the conclusion that the Court of Appeal did not by their judgment require us to enter into a reconsideration of the matter as it then stood; to make, that is to say, fresh estimates and accounts for the Standard Charges which we were then settling, but, at the proper time, which they suggested would be upon a revision of the rates under the Act, to take into account what they suggested. Our judgment is reported in full in the official report.

We therefore refused the motion and proceeded with the consideration of the matters set down for hearing. By our judgment, given at the end of the hearing, we determined the allowances under Section 58 (1/b), settled the Schedules of Standard Charges for the four Amalgamated Railway Companies and fixed the 1st January, 1928, as the Appointed Day when they should come into operation. Notice of Appeal against our judgment settling the Schedules of Standard Charges and fixing the Appointed Day was lodged by the Manchester Ship Canal Company and the Dock and Harbour Authorities Association, but was not proceeded with.

Our orders, dated 6th July, 1927, settling the Schedules of Standard Charges and appointing the 1st January, 1928, as the day when they should come into operation, were published by H.M. Stationery Office as Statutory Rules and Orders, numbered as follows:—

1927. No. 848—Great Western Railway Company.

1927, No. 849—London Midland & Scottish Railway Company.

1927, No. 850—London & North Eastern Railway Company.

1927, No. 851-Southern Railway Company.

This marked the conclusion of the initial proceedings upon Standard Charges.

Schedules of Circuitous Routes.

We have already reported the reference to us of the Schedules of Circuitous Routes submitted to you by the Amalgamated Companies and Companies liable to have applied to them a Schedule of Standard Charges. After giving notice, on 7th March, 1927, to an interested Parties, we sat on 22nd March, 1927, to consider the schedules, and, after hearing all Parties, settled and approved the Schedules of Circuitous Routes referred by you to us, and directed that the provisions of Section 52 should apply to each of the routes therein set forth. An official report of the proceedings was published by H.M. Stationery Office.

Owner's Risk Reductions.

As stated in our last report, the Railway Companies had submitted to us provisional proposals respecting the reductions to be made, under Section 46 (1), from the standard charges, where damageable merchandise is carried by merchandise train under owner's risk conditions. After giving notice, on 10th May, 1927, we sat, to consider these proposals and hear all interested Parties, on the following dates—23rd, 24th, 25th and 26th May, 1927. We gave judgment on 14th July, 1927, determining the reductions to be made. Official reports of the proceedings and judgment were published by H.M. Stationery Office, and our Order thereon was published as Statutory Rule and Order 1927, No. 1249.

The Railway Companies had not submitted any proposals as to the reductions to be made from the standard charges where damageable merchandise is carried by passenger train under owner's risk conditions. In response to an enquiry from us they stated that it was not their intention to submit any such proposals. By notice, dated 1st September, 1927, and widely advertised, we gave notice of the Companies' intention and fixed the 3rd November, 1927, as the date upon which we would consider the matter. The notice also required any Company or person desiring to make any submissions, and to be heard by us, to lodge a written notice, at our office, on or before the 30th September, 1927. One such notice was lodged with us and subsequently withdrawn. On the date appointed, after considering the matter and hearing the Parties, we decided that there was no necessity to fix owner's risk reductions under Section 46 (1) for this traffic. An official report of the proceedings was published by H.M. Stationery Office.

Standard Terms and Conditions of Carriage.

We had already settled the Standard Terms and Conditions of Carriage, but had reserved the making of an order thereon and the fixing of the date upon which they should come into operation. Upon the motion of the Railway Companies, notice of which was given to all Parties, we sat on 19th October, 1927, and made an order settling the Terms and Conditions of Carriage and fixing the 1st January, 1928, as the day upon which they should come into force. An official report of the proceedings was published by H.M. Stationery Office. Our order, dated 19th October, 1927, and embodying the Standard Terms and Conditions of Carriage, was published as Statutory Rule and Order 1927, No. 1009, and notice thereof was published in the London and Edinburgh Gazettes, dated 28th October, 1927, as required by Section 43.

Transitory Jurisdiction.

Applications numbered 1923—28-27; 1925—2 and 3; 1926—1 and 2; 1927—1, 14, 18, 21 and 36. (For details see first schedule.)

These 14 applications were under Section 60, relating to the charges which the Railway Companies were entitled to make up to the Appointed Day. Our jurisdiction under this section has now expired.

Classification of Merchandise.

Applications numbered 1927—6, 16, 27, 32 and 34. (For details see first schedule.)

These 5 applications were under Section 28 (1) (a) for alterations of radditions to the Classification of Merchandise determined by the Rates Advisory Committee under Section 29.

Non-Amalgamated Companies.

Applications numbered 1927—10-13, 17, 19 and 20. (For details see first schedule.)

These 7 applications were under Section 38, for the application of Schedules of Standard Charges to Non-Amalgamated Railway Companies, and under Section 48, for the determination of the Minimum Distances for which such Non-Amalgamated Companies may charge. In order to bring the matter to the notice of all interested Parties we issued an advertisement, dated 6th October, 1927, giving notice that any Party desiring to obtain an order under Section 33 was required to lodge a written application at our office, in the form and manner prescribed by our Rules, and notifying any such Party who had not already lodged an application that, to obtain an order operating as from the Appointed Day (Ist January, 1928), an application must be lodged immediately.

Special Charges.

Applications numbered 1926—3-11; 1927—2-5, 7-9, 15, 22-26, 28-31, 33, 35, 37-51. (For details see first schedule.)

These 43 applications were under Section 34 (2), for the continuance of special charges. By our advertisement of 6th October, 1927, referred to above, we gave similar notice in regard to Orders under this Section.

Exceptional Rates.

It is common knowledge that, in the past, a large percentage of the traffic by railway has been carried at exceptional rates and that the number of such rates runs into many millions. A review of these rates is part of the general scheme embodied in the Railways Act and is provided for in Section 36. The Act does not, however, delay the Appointed Day until the completion of this review, which must be a task of great magnitude, but provides generally for the continuance of such exceptional rates as are to be referred to us until we have determined them. There have

already been referred to us some hundreds of thousands of exceptional rates more than 40 per cent. below the standard and, after the Appointed Day, there will be referred to us the rates not less than 5 per cent. nor more than 40 per cent. below the standard which, failing agreement as to continuance, have been notified by Traders to the Railway Companies for reference to us. We are at the present time considering the procedure to be adopted in dealing with these large masses of rates.

General.

Now that we have assumed our full jurisdiction under the Act, by which matters affecting railway charges in some instances must, and in many instances may, be brought before us for determination, we are endeavouring to ensure that our procedure is as simple, cheap and expeditious as possible. In this connection we have already considered two matters which are likely to arise at an early date and at frequent intervals—alterations in the Classification of Merchandise and the sanctioning of New Exceptional Rates. In the second schedule hereto we give copies of notices prescribing a procedure relative thereto, which we think will avoid unnecessary interlocutory proceedings, will involve the minimum expense, avoiding in particular the heavy cost of advertising; and will ensure hearings within a very short time. This policy we shall endeavour to extend wherever nossible.

WALTER CLODE. W. A. JEPSON. GEO. C. LOCKET.

Sidney J. Page, Secretary. 8th March, 1928.

FIRST SCHEDULE.

Further Proceedings in Cases referred to in the Second Schedule to the Report for 1926 which had not been completed at the end of that year.

1923.-No. 23.

The National Federation of Iron and Steel Manufacturers
against

The London, Midland and Scottish Railway Company. 1923.—No. 24.

The National Federation of Iron and Steel Manufacturers

against

The London and North Eastern Railway Company.

1923.-No. 25.

The National Federation of Iron and Steel Manufacturers against

The Great Western Railway Company.

1923.-No. 26.

The National Federation of Iron and Steel Manufacturers against

The Southern Railway Company.

1923 .- No. 27.

The National Federation of Iron and Steel Manufacturers

against

The Cheshire Lines Committee.

No further proceedings have taken place upon these applications and the Tribunal's jurisdiction under Section 60 has now expired. 1925.-No. 2.

The Mayor, Aldermen, and Burgesses of the County Borough of Newport.

The Newport Harbour Commissioners, The Newport Chamber of Commerce (Incorporated)

against

The Great Western Railway Company, The London, Midland and Scottish Railway Company.

1925.—No. 3.

The Mayor, Aldermen and Burgesses of the County Borough of Newport,

The Newport Harbour Commissioners,

The Newport Chamber of Commerce (Incorporated)

against

The Great Western Railway Company.

After further interlocutory proceedings these two applications came on for hearing on the 21st November, 1927. In addition to the Applicants and Respondents, the following Parties, who had given notice of their intention to oppose the applications, appeared at the hearing:-The Bristol Corporation, the Bristol Chamber of Commerce, the Gloucester Chamber of Commerce, the Sharpness New Docks and Gloucester and Birmingham Navigation Company, the Liverpool Chamber of Commerce, the London and North Eastern Railway Company.

The hearing extended over the following dates: -21st, 22nd, 23rd, 24th, 25th, 28th, 29th and 30th November, 2nd and 3rd December, 1927. On the last named date, when the proceedings were almost completed, the Parties found it possible to arrive at an agreement, by which the applications were withdrawn, on an assurance being given by the Respondents that they would grant lower rates than those then in operation for merchandise to or from the Newport Docks, subject to certain provisos.

1926.-No. 1.

John Good and Sons, Limited, Hull against

The London and North Eastern Railway Company,

After further interlocutory proceedings, the hearing of this application was taken on the following dates:-18th, 19th, and 20th May, and 20th June, 1927, and Judgment was given on 14th July, 1927. In the Judgment the Tribunal reviewed all the circumstances of the case, including the

methods in which the Applicants' traffic was dealt with, the traffic in butter being taken as a typical example. The Tribunal found that the Applicants were paying the Hull Group C and D rate applicable to butter. That the Respondents performed the service of collection for the Applicants' traffic at the Docks, and that therefore the C and D group rate was properly payable. That group rates were not founded on the identity of the accommodation, services, and charges provided, rendered and made to different traders within the area where group rates prevailed, but rather upon the diversity of such accommodation, services, and charges, and that group rates were in the direction of an attempt to overcome and ignore such diversity and place all traders upon a level, whatever the accommodation, services, and charges which their traffic, if strictly appraised, would entail. That it would not be any ground for making an ad hoc proportional reduction from the group rate even if the Applicants could prove that the amount of accommodation and service which they received from the Railway Company for their Dock traffic for the group rate was not as great as the amount of accommodation and service which Town traders received for similar traffic in the Town at the same group rate. That, in point of fact, the Applicants had not proved that they received less accommodation and services at the Docks than the traders did in the Town for the same rate. That although some inequalities might exist, such inequalities of accommodation and services did not justify a reduction of the rate. The application was therefore disallowed. 1926.-No. 2.

The Fife Paper Mills, Limited

against

The London and North Eastern Railway Company.

This application was withdrawn, an agreement having been arrived at between the Parties.

1926.-No. 3.

Pilkington Brothers, Limited, The United Alkali Company, Limited,

William Gossage and Sons, Limited, The Broughton Copper Company, Limited, United Glass Bottle Manufacturers, Limited,

Richard Evans and Company, Limited, Peter Spence and Sons, Limited,

The Mayor, Aldermen and Burgesses of the County Borough of St. Helens.

The Mayor, Aldermen and Burgesses of the Borough of Widnes against

The London, Midland and Scottish Railway Company.

A form of Order continuing the charges, increased by 60 per cent, plus the appropriate flat rate, was agreed between the Parties and submitted to the Tribunal on 20th December, 1927, and was made an Order of the Tribunal. An official report of the proceedings was published by H.M. Stationery Office. 1926.-No. 4.

The Mayor, Aldermen and Burgesses of the Borough of Southendon-Sea

against

The London, Midland and Scottish Railway Company. The hearing of this application was taken on 6th and 7th December, 1927, judgment dismissing the application being given at the end of the hearing. The judgment was printed as an appendix to the official report of proceedings on 12th December, 1927, published by H.M. Stationery Office.

1926.-No. 5.

The Hulton Colliery Company, Limited

against

The London, Midland and Scottish Railway Company. This application was withdrawn.

1926.-No. 6.

The Moss Hall Coal Company, Limited

against

The London, Midland and Scottish Railway Company. This application was withdrawn. 1926.—No. 7.

The Pemberton Colliery Company, Limited

against

The London, Midland and Scottish Railway Company.
This application was withdrawn.
1926.—No. 8.

The Wigan Coal and Iron Company, Limited

against

The London, Midland and Scottish Railway Company.

This application was withdrawn.

1926.—No. 9.

Richards Evans and Company, Limited

against

The London and North Eastern Railway Company.

No further proceedings have taken place upon this application, a consent having been filed by the Parties extending generally the time for filing a reply.

1926.-No. 10.

Cardiff Collieries, Limited

against

The Great Western Railway Company.
After further interlocutory proceedings the hearing of this application
was taken on 21st and 22nd June, 1927. Judgment, deciding that the
charges be continued subject to adjustment, was given on 14th July
1927, and was included in the official report of the proceedings for that
date, published by H.M. Sationery Office.

1926 .- No. 11.

Robert Addie & Sons' Collieries, Limited

against

The London and North Eastern Railway Company. This application was withdrawn.

FIRST SCHEDULE

Second Part.

PROCEEDINGS UPON APPLICATIONS RECEIVED DURING 1927, 1927.—No. 1.

Federation of British Industries

aainst

The Great Western Railway Company,

The London and North Eastern Railway Company,

The London, Midland and Scottish Railway Company,

The Southern Railway Company.

This was application under Section 60 of the Railways. Act, 1921. The Applicants stated that they had carefully considered the increase of tolls, rates and charges which the Respondents proposed to make on and from 1st February, 1927, and the effect which such an increase was likely to have upon industry, and they were of opinion that, for the reasons stated in the application, the then existing level of charges should not be increased during the transitory period which must clapse before the Appointed Day. They therefore claimed the following relief:—

(1) That the charges in connection with the carriage of merchandise by merchandise train in force as respects the Respondents' railways respectively be not increased above the level in operation on the date

of the application (29th January, 1927).

(2) That such order should come into operation as from the late of the application or such later date as might to the Court seem just, and the charges so maintained should thenceforth be the charges which the said Respondents were to make until the Appointed Day or until a further order of the Court.

The application was subsequently withdrawn.

1927.-No. 2.

Guest Keen and Nettlefolds, Limited

against

The Great Western Railway Company.

This was an application for the continuance of special charges in accordance with Section 34 of the Railways Act, 1921. A form of Order continuing the charges, subject to adjustment, was agreed between the Parties and submitted to the Tribunal on 20th December, 1927, and was made an Order of the Tribunal. Details thereof are given in the official report of the proceedings for that day, published by H.M. Stationery Office.

The Ebbw Vale Steel, Iron and Coal Company, Limited

against

The Great Western Railway Company.

This was an application under Section 34 of the Railways Act, 1921. The Applicants alleged that, in connection with their traffic over the Respondents' Momouthshire lines (which prior to 1880 belonged for the most part to the Momouthshire Railway and Canal Company), the Applicants were entitled to special privileges and charges which had arisen partly by trutue of special Statutory provisions and partly in consequence of Agreements. They further alleged that the charges were in operation at the August 1914, and were originally fixed for valuable consideration. They asked that the charges fixed by or under the aforesaid statutory provisions and agreements which were in operation on the 4th day of

August, 1914, be continued subject to such percentage increase (if any) as to the Courr might appear fair and equitable and that the Respondents be enjoined to continue to afford to the Applicants the benefit of those provisions and agreements as to charges for or in connection with thearing of the merchandise to which the aforesaid statutory provisions and agreements relate.

In their answer the Respondents denied these allegations and contended that there was no ground for continuing any of the charges.

The Application came on for hearing on 24th October, 1927. On the second day of the hearing, 25th October, 1927, the application was withdrawn, the Respondents having agreed, with certain qualifications, to the continuance of the rates under Section 36.

1927 .- No. 4.

The Monmouthshire Freighters Committee

against

The Great Western Railway Company,

This was an application of similar nature to 1927.—No. 3, and came on for hearing immediately after that application on 25th October, 1927. The arrangement which had been arrived at in that case applied also in this application, and the application was accordingly withdrawn. 1927.—No. 5.

The Staveley Coal and Iron Company, Limited

against

The London, Midland and Scottish Railway Company.

This was an application for the continuance of special charges in accordance with Section 34 of the Railways Act, 1921. A form of Order continuing the charges, subject to adjustment, was agreed between the Parties and submitted to the Tribunal on 20th December, 1927, and was made an Order of the Tribunal. Details thereof are given in the official report of the proceedings for that day, published by H.M. Stationery Office.

The Liverpool Chamber of Commerce

against

The Great Western Railway Company,

The London and North Eastern Railway Company,

The London, Midland and Scottish Railway Company, The Southern Railway Company.

The Applicants alleged that three members of their organisation, engaged in the business of lending empty grain sacks for hire, were in competition with the sack lending departments of the Railway Companies, and with which the sack lending departments of the Railway Companies, and with the sack lending departments of the Railway Companies, and with the sacks that the time of the application the empty sacks of these three classes of persons were returned free between any pair of stations between which the sacks had previously passed full. That the classification of merchandies determined under Section 29 placed these sacks in Class A of the returned empties classification and that the Tribunal had fixed standard charges therefor. That as and from the Appointed Day the Railway Companies proposed to key these charges upon only one of the three classes of persons in the industry, namely, the three Firms of private sack lenders, members of the proposition of the same of the proposition of th

harshly upon the business concerned, or that a suitable note be added to Class 8 of the Classification to denote that the carriage charge for grain is inclusive of the cost of returning the sack when empty.

In their answer, the Respondents alleged that, at the time of the Application, empty grain sacks (not new) were carried from station to statine, between stations South of Newcastle and Carliels inclusive of these phoes, on one journey only, either when being returned after being carried flug, or when being sent to be filled, by the same Railway Company or Companies as conveyed by when full. That, on an objection by the Applicants, the Tribunal had reduced the standard charges originally proposed by the Respondents for this traffic. That there was no ground for altering the classification already determined, or for settling lower standard charges for the traffic than those already fixed.

The Application came on for hearing on 14th December, 1927. After the Applicants had stated the facts enerally, the Respondents raised a question of law, which, with the consens of the Applicants, was dealt with at that stage. The Tribrana held the stage of the Applicants of the Applicants of the Applicants of the Applicants of the Stage of the Tribrana held the stage of the Stag

1927.—No. 7.

Joseph Rank, Limited

against

The Great Western Railway Company.

This was an application for the continuance of special charges in accordance with Section 34 of the Railways Act, 1921. A form of Order continuing the charges, subject to adjustment, was agreed between the Parties and submitted to the Tribunal no 20th December, 1927, and was made an Order of the Tribunal. Details thereof are given in the official report of the proceedings for that day, published by H.M. Stationery Office.

1927.-No. 8.

Cory Brothers & Company, Limited

against

The Great Western Railway Company.

This is an application under Section 34, alleging that by agreement, for valuable consideration, certain rates for the carriage of coal from the Applicants' Glyneastle and Rheola Collieries at Resolven to Swansea were fixed and were in operation on the 4th August, 1914. The Applicants ask that the rates be continued subject to such adjustment, if any, as to the Court may appear to be fair and reasonable, and that the Applicants be entitled to continue their rights under the Agreement.

In their answer, the Respondents allege that the Agreement is not a subsisting Agreement and that the charges fixed thereunder cannot be continued under Section 34. Further, that the Tribunal has no jurisdiction to order that the Applicants be entitled to continue their rights under the Agreement.

Interlocutory proceedings stand adjourned generally, both Parties having liberty to apply.

1927.-No. 9.

Nixon's Navigation Company, Limited against

The Great Western Railway Company.

This was an application under Section 34, and alleged that, by agreement made for valuable consideration, the Respondents paid to the Applicants on traffic to and from the Docks at Cardiff or Penarth which should pass over Pontcynon Bridge the sum of .143d. per ton of coal and .187d. per ton of pitwood. That the payments were in operation on the 4th August, 1914. The Applicants asked that the payments be continued subject to such adjustment, if any, as to the Court might appear fair and reasonable, and that the Applicants be entitled to continue their rights under the Agreement.

In their answer the Respondents alleged that the provisions of the Agreement were not repealed by Section 34, that the payments would continue to be payable by the Respondents in accordance with the terms of the Agreement, and that the Tribunal had no jurisdiction to make any Order.

The Respondents having undertaken to continue the payments, it was ordered by consent that the Application be discontinued, 1927.-Nos. 10, 11, 12 and 13.

Applications by Non-Amalgamated Railway Companies.

These were applications, by Non-Amalgamated Railway Companies, under Section 33, for the application to them of Schedules of Standard Charges and under Section 48 for the determination of the minimum distances for which they may charge. Public Notice was given, dated 14th April, 1927, stating where the applications might be inspected or copies obtained, and that any person desirous of attending and being heard at the consideration of the applications must lodge a written notice on or before 27th May, 1927. Ten such notices were lodged.

The hearing was taken on 14th July, 1927, and an official report of the proceedings was published by H.M. Stationery Office.

The Orders applying Schedules of Standard Charges were published as Statutory Rules and Orders numbered as follows:-

S.R. & O., 1927, No. 1211.

(Applying Great Western Schedule, with proviso.)

The Brynmawr and Western Valleys Railway.

The Clifton Extension Railway.

The Great Western and Great Central Railway Joint Lines.

The Ludlow and Clee Hill Railway

The Severn and Wye and Severn Bridge Railway.

The Shrewsbury and Hereford Joint Railway.

The Shrewsbury and Wellington Joint Railway. The Shrewsbury and Welshpool Joint Railway.
The Tenbury Railway.
The Vale of Towy Railway.
The West London Railway.

The West London Extension Railway.

S.R. & O., 1927, No. 1212.

(Applying London, Midland and Scottish Schedule, with proviso.)

The Abersychan and Talywain Railway,

The Birkenhead Railway including the West Kirby Lines.

The Carlisle Station Lines.

The Dowlais and Merthyr Railway,

The Dundee and Arbroath Joint Railway,

The Halesowen Railway.
The Midland and Great Northern Joint Railway.

The Sutton Bridge Dock Company in respect of Railways forming part of the Undertaking.

The Nantybwch and Rhymney Railway. The Newark Joint Curve.

The Otley and Ilkley and the Swinton and Knottingley Joint Railways. The Princes Dock Line.

The Railways authorised by the Mid-Nottinghamshire Joint Railways Act, 1926.

The Ribble Branch Joint Railway.

The Rothesay Dock Line,

The Tottenham and Hampstead Junction Railway.

The Whitechapel and Bow Railway. The Wrexham and Minera Railway.

S.R. & O., 1927, No. 1214.

(Applying London and North Eastern Schedule, with proviso.)

The Axholme Joint Railway.

The Cheshire Lines Railways

The Southport and Cheshire Lines Extension Railway.

The Doncaster, Black Carr, East Junction to the St. Catherine's Junction Railway.

The Dumbarton and Balloch Joint Railway.

The Felixstowe Dock and Railway. The Forth Bridge Railway.

The Great Central, Hull and Barnsley and Midland Joint Lines.

The Nottinghamshire and Leicestershire Joint Lines. The Joint Railways from Halifax to Holmfield and from Holbeck to Leeds.

The Halifax High Level, and North and South Junction Railway.
The Hammersmith and City Railway.
The Lotthouse and Methley Joint Line.

The Great Central and North Staffordshire Railway Committee,

The Manchester South Junction and Altrincham Railway.

The Metropolitan and Great Central Joint Committee. The Metropolitan and London and North Eastern Railways (Watford Joint Railway).

The Metropolitan and Metropolitan District Joint City Lines and Extensions Railways.

The Norfolk and Suffolk Joint Railways Committee.

The Oldham, Ashton and Guide Bridge Junction Railway.

The Oxford and Aylesbury Tramroad. The South Yorkshire Joint Line.

The Great Central and Midland Joint Committee,

The Stalybridge Goods Branch.

The Stobcross and Kelvinhaugh Joint Line.

S.R. & O., 1927, No. 1215.

(Applying London and North Eastern Schedule, with proviso.)

The Metropolitan Railway Company.

S.R. & O., 1927, No. 1217.

(Applying Southern Schedule.)

The East London Railway.

The Easton and Church Hope Railway. The Lynton and Barnstaple Railway.

The Salisbury Market Branch Railway.

The Somerset and Dorset Railway. The Weymouth and Portland Railway.

1927-No. 14.

The National Benzole Company, Limited

Sadler and Company, Limited

The London and North Eastern Railway Company

against

The London, Midland and Scottish Railway Company.

This was an application for an order that, from the 20th March, 1922, the through rate for Benzole and Petrol in Owner's tank wagons from Middlesbrough and South Bank on the London and North Eastern Railway to Heckmondwike on the London, Midland and Scottish Railway should not exceed 18s. 2d. per ton (base), and for a declaration that the amount charged by the respondent Companies was unreasonable. The Applicants alleged that the traffic was charged under Class 2; that the Class 2 rate between Middlesbrough and Heckmondwike (75 miles) was 21s. 8d. per ton (base), and that there was an exceptional rate in operation from Middlesbrough to Huddersfield (80 miles) of 18s. 2d. per ton (base), against the Class 2 rate of 22s. 6d. per ton (base). They further alleged that, on the 20th March, 1922, they applied to the Respondents for an exceptional rate based on the Huddersfield rate, but notwithstanding the fact that the volume of traffic to Heckmondwike was considerably in excess of the volume to Huddersfield, and that the natural route for traffic to Huddersfield passed through Heckmondwike, the Respondents declined to make any reduction. In their answer the Respondents alleged that they were entitled, from

the passing of the Railways Act, 1921, to charge the Class 2 rate which was in operation on the 15th August, 1921. That on 1st January, 1926, they brought the following base rates into operation:-

		From	From	
To.		Middlesbrough.	South Bank.	
		s. d.	s. d.	
eckmondwike		16 11	17 4	
uddersfield	 	 17 9	18 0	

They denied that the charges made to the Applicants had not been reasonable and contended that the Court had no power to grant any of the relief claimed, or, alternatively, that there was no ground for granting the relief claimed.

There have been no further proceedings in the application, and the Tribunal's jurisdiction under Section 60 has now expired. 1927.--No. 15.

Нε

The Consett Iron Company, Limited

against

The London and North Eastern Railway Company.

This is an application, under Section 34, for the continuance of a charge of 1s. 61d. per ton, in respect of iron ore imported by the Applicants at any of the Respondents' docks on the Type, or at the South Dock at Sunderland, and destined for use at the Applicants' reviews the charge to include all charges in respect of dock whatfree, loading, som quay into truck and conveyance to and delivery at the Applicants' review the be continued in accordance with the terms and subject to the conditions set out in the agreement. It is alleged that the charge was fixed under agreements for valuable consideration and was in operation on the 4th August, 1914.

The Respondents allege that the original charge of 1s. 6½d. contained ld. for dock wharfage and 1s. 5½d. for railway charge. That on the 4th August, 1914, the 1s. 5½d. had been increased to 1s. 6½d. by virtue of "the Cleveland Sliding Scale," the total charge, including wharfage, being then 1s. 7½d. They are willing that the rate of 1s. 6½d. for carriage, exclusive of wharfage, should be continued, subject to adjustment to the general level of exceptional rates.

Hearing 11th January, 1928.

1927.-No. 16.

The London and North Eastern Railway Company,

The London, Midland and Scottish Railway Company,

The Great Western Railway Company, The Southern Railway Company

against

All Persons and Companies whom it may concern.

This was an application, dated 27th June, 1927, for alterations in the Classification of Merchandise determined by the Rates Advisory Committee under Section 29 of the Railways Act, 1921. Notice thereof was given by advertisement, and objectors were required to give written notice of objection on or before 15th July, 1927. Eleven objections were lodged in accordance with the notice. The hearing was taken on 26th July, 1927, and an official report was published by H.M. Stationery Office.

The Mersey Railway Company

against

All Persons and Companies whom it may concern.

This was an application, dated 29th June, 1927, under Section 33, for an order that the schedule of charges of the London, Middland and Scottish Railway Company, shall apply to the Merzey Railway Company, subject to the modifications set forth in the application. It was directed that a copy of the application should be served on the four Amalgamated Railway Companies and the Cheshire Lines Committee, and, by advertisement dated 4th July, 1927, public notice of the application was given and objections were required to be loiged on or before 29th July, 1927. An answer, assenting to the open control of the committee of the committ

The hearing was taken on 28th October, 1927, and an official report was published by H.M. Stationery Office. The Order of the Tribunal was published as Statutory Rule and Order, 1927, No. 1213.

1927.—No. 18.

The Ebbw Vale Steel, Iron and Coal Company, Limited
against

The London, Midland and Scottish Railway Company,

This was an application under Section 60. The Applicants had been in the habit of consigning in owner's wagons coal from Talywain to

Ebbw Vale, a distance of approximately 12 miles, upon the Respondents' system. Up to some date in 1916, the Applicants had been in the habit of requiring the Respondents to return empty from Ebbw Vale to Talywain the wagons in which the coal had been conveyed from Talywain to Ebbw Vale. The empty wagons were worked back over the route they had come by attachment to trains which formed part of the regular services of the company. In 1916 the Applicants commenced to unload the full wagons which arrived at their works from Talywain, then reload them and send them forward loaded to destinations upon the Great Western Railway. Thereafter they had not required the Respondents to take the empty wagons back to Talywain. The rates paid by the Applicants throughout the period had been respectively 1s. per ton prior to the increases authorised by the Minister, 2s. 6d. per ton at the time of the greatest increases ordered by the Minister, 2s. 6d. per ton on the 15th August, 1921, and at the time of the application a rate of 1s. 9d. per ton was upon the company's books for the traffic. It was not until January, 1924, that the Applicants first demanded an allowance or rebate from the rates on the ground that they were no longer requiring the Respondents to take the empty wagons back to Talywain. The rate of 1s. 9d, in existence at the time of the application consisted of 1s. base rate, plus 60 per cent., plus a flat rate of 2d. The Applicants claimed a deduction of 2d. from the base rate of 1s. on the ground that some portion of the conveyance rate was charged for the service of returning the empty wagons and 2d. was their estimate of the saving of cost to the Respondents by being relieved of the performance of the service which the Applicants no longer required. Alternatively, the Applicants said there was not, on the 15th August, 1921, and was not, at the time of the application, any rate in force for their traffic which was "ex" return of empty wagons, and they asked the Tribunal to fix a reasonable rate therefor.

The Respondents averred that they had at all times been ready and willing to return the empty wagous. That the Tribunal had no jurisdiction to alter the base rate of la. That there had been, on the 18th August, 1921, and was, at the time of the application, a rate in force for the Applicants traffic, and that the Applicants were not entitled to any medification of the rate of 2s. 6d. below the 1s. 9d. at which it then stood.

The application was heard on "th and 8th November, 1927, and judgment was given or 21st November, 1927. In their judgment, step systems of 21st November, 1927. In their judgment, step very wing fully all the facts and circumstances and considering the relevant legal provisions, particularly Section 2 of the Railways and Canal Traffic Act, 1854, paragraph 23 of the Respondents Rates and Charges Order, 1891, and Section 60 of the Railways Act, 1921, the Tribunal dismissed the application.

1927,---No. 19.

The Port of London Authority

against

All Persons and Companies whom it may concern.

This was an application, dated 21st July, 1927, under Sections 38 and 48, for an order directing that the Schedule of Standard Charges of the London and North Eastern Railway Company shall apply to the Applicant and that the minimum distances that the said London and North Eastern Railway Company are entitled to charge for under the Order of the Tribunal dated be 2nd March, 1923, be the minimum distances for which the Applicant is entitled to charge. It was directed that copies of the application be served on the four Amalgamated Companies and the Metropolitan Railway, and, by advertisement dated 27th July, 1927, public notice of the application was given and objections were required to be lodged on or before 2nd

September, 1927. An answer was lodged by the above-mentioned railway companies assenting to the making of the Order and one objection was lodged in accordance with the notice.

The hearing was taken on 28th October, 1927, and an official report was published by H.M. Stationery Office. The Order of the Tribunal under Section 33 was published as Statutory Rule and Order, 1927, No. 1216. 1927.—No. 20.

The Trafford Park Company

naainst.

All Persons and Companies whom it may concern.

The Trafford Park Company applied, in pursuance of Section 33, for the application to that company of the schedule of charges of the London, Mid-land and Scottish Railway Company, subject to the modification that the mileage of the Trafford Park Railway should for the purpose of all traffic, whether conveyed over the whole or any portion of the said railway, be reckoned as five miles. It was directed that copies of the application be served on the London and North Eastern Railway Company, the London, Midland and Scottish Railway Company and the Cheshire Lines Committee, and, by advertisement dated 28th July, 1927, public notice of the application was given and objections were required to be lodged on or before the 2nd September, 1927.

An answer was lodged by the above-mentioned railway companies assenting to the making of the Order asked for, provided that the Trafford Park Company is a railway company to which the provisions of Section 33 of the Railways Act, 1921, apply. Five objections were lodged in accordance with the notice.

The hearing was taken on the 3rd November, 1927, the application being dismissed on the ground that the Trafford Park Company are not within the jurisdiction of the Tribunal under Section 33. An official report of the proceedings was published by H.M. Stationery Office.

The Incorporated South Wales and Monmouthshire Coal Freighters' Association

against

The Great Western Railway Company.

This was an application for an Order reducing, as from the 80th day of September, 1927, the charges in force on the 15th day of August, 1921, for the conveyance of coal and coke in owners' wagons from the collieries in South Walss and Monnouthshire for shipment and to patent fuel works in the district, to the charges in force for such traffic on the 1st day of February, 1927; and for such other relief as to the Court may seem fit. The Applicants alleged that the base rates previously in operation had included rates of from 0.438 pence to 0.575 pence per ton of coal per mile on the Rhymmer Rathers, and 0.543 pence per ton focal per mile on the Rhymmer Rathers and the such as the contract of the such as the contract of the coal per mile of the aforesaid base rates and to substitute base rates of 0.6 pence per ton of coal per mile.

The Respondents referred to Section 60 and alleged inter alia that the application disclosed no ground, or no relevant or sufficient ground, for making any order which would have the effect of reducing the charges then being made.

The hearing commenced on 15th December, 1927. On the second day, 16th December, 1927, the application was adjourned sine die, the Parties having made an agreement by which the matter is to be dealt with under Section 36.

1927.-No. 22.

John Herdman and Sons, Limited

against

The London and North Eastern Railway Company,

The Applicants are corn merchants and four millers carrying on business at Haymarks thills, Edinburgh, which mills are connected by a private siding with the Respondents' railway. The Applicants asked for an Order continuing on and from the Appointed Day referred to in Section 33 of the Railways Act, 1921, certain Agreements made in 1996 and/or the provisions of such Agreements with respect to charges for or in connection with the carriage of merchandise by railway and the charges fixed under the said Agreements. The Applicants alleged that the said provisions and charges were in operation on the 4th August, 1914, and were originally fixed for valuable consideration.

The Respondents in their answer agreed to the continuance under Section 34 of the charges subject to adjustment.

The application was subsequently withdrawn.

1927.-No. 23.

R. and W. Paul, Limited

against

The London and North Eastern Railway Company.

This was an application under Section 34, which was heard on 5th December, 1927. Details of the application and of the Tribunal's decision thereon are given in the Tribunal's judgment which was delivered on 12th December, 1927, and embodied in the official report of the proceedings on that date, published by H.M. Stationery Office.

1927.-No. 24.

Joseph Rank, Limited against

The London and North Eastern Railway Company.

This was an application, under Section 34, for an Order continuing the provisions of a principal agreement with respect to charges and the charges fixed thereunder, as varied by a supplemental agreement. The Applicants alleged that the principal Agreement was entered into on 2nd February, 1909, and was for a period of seven years with the option of renewing. That the Agreement was renewed for a further period of seven years in 1916. That in 1923 supplemental Agreement was entered into. That the provisions of the principal Agreement with respect to charges and the charges fixed under the Agreement were in operation on the 4th August, 1914, and that the said provisions as expressly varied by the provisions of the supplemental Agreement were originally fixed for valuable consideration.

The Respondents alleged that the charges in operation on 6th August. 1014, were not fixed under any subsisting Agreement but under the Agreement of 2nd February, 1909, which terminated on 31st January, 1916. That the charges provided for by the Agreement of 29th August, 1918, 3 though based on the charges in operation on 4th August, 1914, were not the charges which were in operation on that date. The Respondents, while contending that the charges to which the application related could not be continued under Section 54, were willing to continue under and subject

to the provisions of Section 36 the rates referred to in the Agreement of 2nd February, 1909, which were in operation on 4th August, 1914, at the level at which such rates were in operation immediately before the Appointed

The application was withdrawn.

1927.-No. 25.

The London Midland and Scottish Railway Company,

The London and North Eastern Railway Company,

The Great Western Railway Company, The Southern Railway Company and all Railway Companies to which a Schedule of Standard Charges has been applied pursuant to Section 33 of the Railways Act, 1921

His Majesty's Principal Secretary of State for Home Affairs,

The Commissioners for executing the Office of Lord High Admiral of the United Kingdom,

His Majesty's Principal Secretary of State for War, The President of the Air Council,

His Majesty's Principal Secretary of State for Scotland,

The Mayor, Aldermen and Commons in Common Council assembled

as the Police Authority for the City of London, and The Lord Provost, Magistrates and Council of the City of Edinburgh.

This was an application under Section 34. The Applicants submitted that it was fair and equitable that the rate of 2d. per ton per mile mentioned in paragraph (v) of Sub-Section (1) of Section 6 of the Cheap Trains Act, 1883, should be adjusted by being increased by 60 per cent., and applied to the Tribunal for an Order that the rate as adjusted to be continued on and after the Appointed Day should be 3.2d. per ton per mile. The Respondents assented to the making of the Order. The hearing was taken on 12th December, 1927, an official report of the proceedings being published by H.M. Stationery Office.

1927-No. 26.

J. & J. Charlesworth, Limited

against

The London and North Eastern Railway Company.

The Applicants allege that, on 20th August, 1897, it was agreed that the Respondents would not charge the Applicants any greater sum than ld. per ton more for the carriage of the Applicants' coal from the Newmarket Silkstone Collieries to all places on the Midland Railway system and all places on the Great Northern Railway system than the rates per too for the time being in force between the said places on the Midland Railway and Great Northern Railway and the Applicants' Robin Hood Colliery, the said rates to include terminal charges. They further allege that the Agreement was entered into for valuable consideration, and ask for an Order, under Section 34, continuing the charges for the said services in accordance with the terms and subject to the conditions set out in the Agreement.

Interlocutory proceedings not completed at end of year.

1927-No. 27.

Shell-Mex, Limited, Anglo-American Oil Company, Limited, Berry Wiggins & Company, Limited, and Highways Construction, Limited

against

The London, Midland and Scottish Railway Company, The London and North Eastern Railway Company,

The Great Western Railway Company,

The Southern Railway Company.

The Applicants allege that, prior to 1921, tar was the chief material used for making or repairing roads. That since the passing of the Railways Act, 1921, the use of petroleum pitch and liquid asphaltum for such purposes has enormously increased, and that these products are now directly in competition with tar. That the purpose of the application is to place these products on the same freight basis as that enjoyed by tar. They ask for an Order under Section 28 (1) (a) directing that-

(1) The articles described in the General Classification of Merchandise as "pitch, petroleum, for road-making or road-dressing, in owners' tank wagons, 8 tons per truck" should be comprised in the class numbered 2 instead of in the class numbered 6.

(2) The articles described as "pitch, petroleum, e.o.h.p.," when for the purpose of roadmaking or road-dressing should be comprised in the class numbered 6, minimum 5 tons per truck, instead of in the class numbered 8, and include articles packed in casks or iron drums or in bags, or loose.

(3) The articles described as "asphaltum, liquid, not flashing below 150° Fah. (close test) in owners' tank wagons, 8 tons per truck" should be comprised in the class numbered 2 instead of in the class

numbered 6.

(4) The articles described as "asphaltum, liquid, not flashing below 150° Fah. (close test) in casks or iron drums" should be comprised in the class numbered 6, minimum 5 tons per truck, instead of in the

class numbered 8.

(5) The articles described as "road surface dressings, liquid, composed mainly of creosote, petroleum residue, pitch or tar oil and water in emulsion in owners' tank wagons" should be comprised in the class numbered 3, minimum 12 tons per truck, instead of in the class numbered 6; and in the class numbered 4, minimum 8 tons per truck, instead of in the class numbered 6; and "in casks or iron drums" should be comprised in the class numbered 6, minimum 5 tons per truck, instead of in the class numbered 8

Interlocutory proceedings not completed at end of year.

1927-No. 28.

The Whitehead Iron and Steel Company, Limited

against

The Great Western Railway Company,

The Applicants allege that the construction of their Courtybella Works, Newport, was commenced about 1914, and substantial traffic commenced to pass in that year. That negotiations for the usual junction and siding Agreement were commenced in that year, and the Agreement was finally dated 31st December, 1920. That, as part of the general negotiations, the Alexandra Docks and Railway Company (predecessors of the Respondents) undertook to grant the Applicants special and exceptional rates in regard to certain traffics and that this undertaking is contained in a letter dated 18th June, 1914, from that company. They allege that the rates were in operation on 4th August, 1914, and ask for an Order, under Section 34, continuing the rates with or without adjustment, and continuing their rights under the Agreement, or that the rates be continued or determined by the Tribunal in pursuance of Section 36 of the Railways Act, 1921.

The Respondents allege that the rates specified in the letter were not in operation on 4th August, 1914, and that the Tribunal have no jurisdiction to make the Order asked for, or, if they have jurisdiction, that the Order should not in the circumstances be made.

Interlocutory proceedings not completed at end of year. 1927—No. 29.

The Consett Iron Company, Limited

against

The London and North Eastern Railway Company.

The Applicants allege that a charge of 2d. per ton for the carriage of certain of their coal and coke truffle was fixed by an Agreement dated 21st Docember, 1897. That the Agreement is substituting. That the charge was in operation on the 4th August, 1914, and was originally fixed for valuable consideration. They ask for an Order under Section 34 continuing the charge.

The Respondents will contend that the charge of 2d. per ton should be

continued adjusted to 3.2d. and that the adjusted rate should after the Appoined Day be increased or reduced in correspondence wih any duly authorised general modification of exceptional charges.

In a reply, the Applicants contend that no adjustment of the charge is fair and equitable in the circumstances.

Interlocutory proceedings not completed at end of year.

1927--No. 30.

The Cowpen Coal Company, Limited

against

The London and North Eastern Railway Company.

The Applicants refer to the following statutory provisions and Agreements
—the Blyth and Tyne Railway Consolidation and Extension Act, 1854, agreement dated 9th October, 1869, North Eastern Railway, Blyth and Tyne
Transfer Act, 1874, Railway Rates and Charges No. 15 (Korth Eastern
Railway, etc.) Order Confirmation Act, 1892, agreements dated 7th April,
1803, 5th June, 1893, and 19th November, 1909, and to Arbitrator's Award
dated 30th April, 1907.

The Applicants sale for a declaration that various rates, charges and tolls fixed by the said statistory previsions and the said several Agreements stated and the said statistory previsions and the said several Agreements Section 34 (2) and for an Order that the charges in operation on the 4th August, 1914, fixed under the said statutory provisions and the several Agreements may be continued in accordance with the provisions of Section 34 (2) subject to such adjustments or variations, if any, as to the Court may seem just.

The Respondents deny that the rates were originally fixed for valuable consideration within the meaning of Section 34. They will assent, subject to the approval of the Tribunal, to all of the said rates being continued subject to a fair and equitable adjustment.

Hearing Tuesday, 21st February, 1928. 1927—No. 31.

Thomas Major

against

The London Midland and Scottish Railway Company.

The applicant is a farmer near Goole, and his farm is connected with the Respondents' railway by sidings. He asks for an Order that (1) the Goole station rates for the time being on all traffic dealt with in the said sidings other than traffic to or from Goole; (2) a fixed charge of 1s. per ton in respect of traffic to or from Goole, such fixed charge being to cover cost of haulage only, shall be continued subject to such adjustment, if any, as to the Tribunal may appear fair and equitable. He refers to the terms of deeds of conveyance dated 31st December, 1908, and 27th March, 1920, and alleges that the rates and charges referred to were in operation on 4th August, 1914, and were originally fixed for valuable consideration.

The Respondents are willing that the Goole Station rates, which were in operation on 4th August, 1914, should subject to adjustment continue to apply, but submit that the Tribunal have no jurisdiction to make an Order in the form asked for in (1) above. They agree to the continuance of the haulage charge of 1s. subject to its adjustment to 1s. 7d.

interlocutory proceedings not completed at end of year.

1927-No. 32.

The London and North Eastern Railway Company, The London Midland and Scottish Railway Company,

The Great Western Railway Company,

The Southern Railway Company

All Persons and Companies whom it may concern, This was a further application under Section 28 (1) (a) by the four Amalgamated Companies for alterations of and additious to the Classification of Merchandise determined by the Rates Advisory Committee. By advertisement dated 8th November, 1927, notice of the application was given and objections were required to be lodged on or before 1st December, 1927. Seven such objections were lodged.

The hearing was taken on 12th December, 1927, an official report of the proceedings being published by H.M. Stationery Office. 1927-No. 33.

The British Oil and Cake Mills, Limited

against

The Loudon and North Eastern Railway Company.

This was an application under Section 34. The Applicants alleged that, by a clause in a lease dated 12th December, 1899, a charge of 3d. per ton by a clause in a lease dated Dith December, 1886, a charge of oc. per ton was fixed for hauling the Applicants' traffic to and from Leith Docks. They alloged that the charge was in operation on 4th August, 1914, and was fixed for valuable consideration. They applied for an Order continuing the charge subject to adjustment. The Respondents assented thereto.

The hearing was taken on 30th December, 1827, an official report being

published by H.M. Stationery Office.

1927-No. 34.

Rownsou, Drew and Clydesdale, Limited

against

The Great Western Railway Company, The London and North Eastern Railway Company,

The London Midland and Scottish Railway Company,

The Southern Railway Company.

The Applicants ask for (inter alia) a declaration that certain cast iron pipes known commercially as "dranewater" pipes should be comprised under the description "pipes, iron or steel (exclusive of rain water pipes) cast or drawu" in Class 7 in the new Classification, or alternatively, for an Order that such merchandise which is not classified should be included in Class 7 under the description "Pipes, dranewater, cast iron with ears of malleable iron or like substance."

The Respondents submit that the said merchandise falls within the following description in the new Classification:—"Pipes, rain water and their connections, cast iron or steel," which are classified in Class 16c, and that no alterations should be made in such Classification.

Hearing 30th January, 1928.

1927.-No. 35.

The London and North Eastern Railway Company

and

The London, Midland and Scottish Railway Company

against

The Port of London Authority.

The Applicants refer to an Agreement made on 18th April, 1864, between the London Dock Company, St. Katherine Dock Company and the Victoria (London) Dock Company (predecessors of the Respondents), and the London and North Western Railway Company, the Great Eastern Railway Company and the Great Northern Railway Company (predecessors of the Applicants). They allege that, under such Agreement, various charges were fixed connection with the carriage of merchandise by the Respondente 'railway for the Applicants. That such charges were in operation on 4th August, 1914, and were originally so fixed for valuable consideration, namely, the withdrawing of Petitions against, and other opposition to, a Bill in Parliament. They apply for an Order under Section 34 that the said charges be continued.

Interlocutory proceedings not completed at end of year.

1927.-No. 36.

The Liverpool Incorporated Chamber of Commerce

against

The London, Midland and Scottish Railway Company.

The Great Western Railway Company.

This was an application, under Section 60, for an Order directing that the railway rate for the carriage of deals, battens and boards from Liverpool to stations in the Birmingham Group in force at the time of the application be reduced to a level equivalent to those rates being charged from ports of a similar distance.

The application was subsequently withdrawn.

1927.—No. 37.

The New Hucknall Colliery Company, Limited

against

The London and North Eastern Railway Company.

The Applicants allege that, by Agreement dated 31st December, 1912, certain charges were fixed for the Applicants' traffic in coal sent from the Welbeck Colliery in the county of Nottingham to Grimsby and Immingham for abipment, that such charges were in operation on 4th August, 1914, and were originally fixed for valuable consideration. They ask for an Order under Section 34 continuing the charges subject to adjustment. The Respondents assent to the making of the Order, subject to the approval of the Tribunal.

Hearing 27th February, 1928.

1927.-No. 38.

Thomas Bernard and Company, Limited

against

The London and North Eastern Railway Company.

This was an application similar to 1927.—No. 33. The hearing was taken on 20th December, 1927, an official report of the proceedings being published by H.M. Stationery Office.

1927 .- No. 39.

The North British Storage and Transit Company, Limited

The London and North Eastern Railway Company.

This was an application similar to 1927.—No. 33. The hearing was taken on 20th December, 1927, an official report of the proceedings being published by H.M. Stationery Office.

1927.-No. 40.

Weaver and Company, Limited

against

The Great Western Railway Company.

The Applicants refer to Agreements dated 13th April, 1864, and 18th January, 1912. They allege that, by the latter Agreement, it was agreed that the rates charged for all traffic to and from the Applicants' warfsomes at the Beaufort Warehouses should not be greater than the station to station rates charged for similar traffic to and from Burrows Lodge, Swanses, or other for the time being the principal goods depot of the Respondents in Swanses asbject to a siding allowance or rebate of four pence per ton. They further allege that such charges were in operation on 4th August, 1914, and were originally fixed for valuable consideration under the said Agreements. They apply for an Order continuing the charges under Section 34.

Interlocutory proceedings not completed at end of year.

1927.-No. 41.

The Bolsover Colliery Company, Limited

against

The London and North Eastern Railway Company.

The Applicants allege that, by Agreement dated 31st October, 1910, made for valuable consideration, special charges were fixed in respect of coal sent from their Mansfeld and Rufford Collierres by way of the Mansfeld Railways for shipment at Grimsby or Immingham, or to stations or places Sould of Kirkby-in-Ashfeld. That by Agreement dated 24th March, 1916, the proxisions as to charges were extended to the Applicant's Clipstone Colliery. That traffic was passing from the Mansfeld Colliery before 4th August, 1914, from the Rufford Colliery in 1918 and from the Clipstone Colliery in 1922. They apply under Section 34 for an Order continuing the charges in operation.

The Respondents consent to the Order so far as it relates to Mansfield Colliery, subject to the approval of the Tribunal. They desire to submit to the Tribunal the question of their power to make an Order in relation to Rufford and Clipstone Collieries, and, subject to the arguments thereon, they assent to the Order asked for if the Tribunal is of opinion that it has power to make the same.

Interlocutory proceedings not completed at end of year.

1927.-No. 42.

The Clay Cross Company, Limited against

The London, Midland and Scottish Railway Company.

The Applicants allogs that, by Agreement dated 14th March, 1907, made for valuable consideration, be following charges were fasted for traftic over the Midland Railway between the Applicants' collieries and works—£1,500 at a year for the hanking of traffic; 4d. per ton wagon hire for all coal, shad and coke conveyed in Midland wagons; and 6d. per wagon per journey for all Midland wagons used for the carriage of workmen's coal. They further allogs that, as a result of an alteration in the working of the collieries, the amount of haulage performed by the Respondents was between 1917 and 1919, permanently reduced by about one-half. That in consening the contraction of the

The Respondents assent to the charges being continued subject to such adjustment if any as to the Tribunal may appear fair and reasonable. Interlocutory proceedings not completed at end of year.

1927.-No. 43.

The Ocean Coal Company, Limited

The Great Western Railway Company.

The Applicants allege that, in consideration of their supporting the Bill to authorise the Barry Bock and Railway in 1884, the Barry Railway Company agreed with the Applicants' predecessors and other large freighters in South Wales, that the rates per ton per mile for coal carried over the Barry Railway should not be more than 0.5d. per ton per mile. That the offect of this was to make the rate from the Applicants' collieries to Barry Docks, 2d. less than the rate to Cardiff Docks. That, after the general concesse of rates, the Respondents charged, in respect of all coal sent to Barry Docks, the rate in force to Cardiff Docks less the rebate of 2d. The Applicants ask for an Order, under Section 34, continuing the charge of 0.5d. per ton per mile, or continuing the charge of 50 per cent, or continuing the rebate of 2d.

Interlocutory proceedings not completed at end of year.

1927.-No. 44.

The Dinnington Main Coal Company, Limited

against

The South Yorkshire Joint Line Committee.

The Applicants' allege that, by an Agreement made for valuable consideration, a rate of 2s. 6d, per ton was fixed for the carriage of their coal to Grimsby and Hull. That in 1907 the rate was increased to 2s. 7d. was in force on 4th August, 1914, and included a charge of 2d. for tipping. That, by direction of the Minister of Transport, the 2s. 7d. was divided into a rate of 2s. 5d., and a charge of 2d. for tipping, and the rate of 2s. 5d., was increased to 4s. They apply, under Section 34, for an Order continuing the said charge of 42d.

Interlocutory proceedings not completed at end of year.

1927.-No. 45.

The Malthy Main Colliery Company, Limited against

The South Yorkshire Joint Line Committee,

The Applicant allege that, by Agreement dated 26th April, 1901, the Midhad and Carlot Railway Companies agreed for valuable consideration to charge Central Railway Companies agreed for valuable consideration to charge of the seal of the carriage of coal from Matby Collisty to Grimsby, and this wall, for the carriage of coal to Hull also. That in 1907, in accordance with the other carriage of rates, the said rate was increased to 28, cd., and that the rate of 2a, cd. included 2d. for tipping. That, by direction of the Minister of Transport the rate of 2a, 5d. dwas divided into a rate of 2s. 4d., and a tipping charge of 2d., and the rate of 2a, 4d. was increased to 3s. 11d. The Applicants apply under Section 34 for an Order continuing the charge of 3s. 11d.

Interlocutory proceedings not completed at end of year.

1927 .- No. 46.

The Corporation of Bristol

against

The Great Westers Railway Company.

This is an Application, under Section 34, for the continuance of special charges fixed under part of Section 5 of the Great Western Railway (Bristol Lines) Act, 1807, Section 7, Sub-Section 16, of the Bristol Dock Act, 1897, and Section 7, Sub-Section 19, of the Bristol Dock Act, 1897, Interlocutory proceedings not completed at end of year.

1927.-No. 47.

Lewis Merthyr Consolidated Collieries Limited
against

The Great Western Railway Company.

The Applicants allege that, by Agreement dated 25th June, 1890, the Rhymney Railway Company, agreed that the rates for the traffic of the Rhymney Railway Company agreed that the rates for the traffic of the colliery damped the colliery and the Bute Docks, Cardiff, were collected to the Rhymney Company for the cartiested life that the being charged by the Rhymney Company for the cartiested life that the computing the said mileage rates in cases where there should be two or computing the said mileage rates in cases where there should be two or more practical competitive Parliamentary railway routes the shortest route should rule the distance. They further allege that the Agreement was entered into for valuable consideration and that the charges were in operation on the 4th August, 1914. They apply under Section 34 for an Order continuing the charges subject to adjustment if any and for a declaration that the said Agreement was fixed for valuable consideration and that the charges in operation thereunder shall be continued.

Interlocutory proceedings not completed at end of year.

1927.—No. 48.

Pilkington Brothers, Limited

against

The London and North Eastern Railway Company.

The Applicants allege that, by an agreement contained in letters of the 23rd and 30th November, and 3rd December, 1808, passing between the Applicants and the Liverpool, St. Helens and South Lancashire Railway Company, it was agreed, for valuable consideration, that the Railway Company would by way of robate reduce the Applicants' existing charges on all inwards and outwards traffic other than traffic in Class "A" by the amount set out in the Railway Company's letter of 23rd November, 1808.

The Applicants further allege that the reduced charges were in operation on 4th August, 1914, and ask for an Order under Section 34 that they be continued, subject to adjustment, if any, or alternatively, that the agreement may be continued.

Interlocutory proceedings not completed at end of year.

1927.-No. 49

The Forest of Dean Freighters' Association

against

The Great Western Railway Company.

The Applicants refer to Section 21 of the Great Western and Midland Railway Companies (Severn and Wye and Severn Bridge Railway) Act, 1894, and allege that rates in force on 4th August, 1914, were rates fixed under the said Statutory provisions and were originally so fixed for valuable consideration. They ask for an Order under Section 34 continuing the charges, subject to adjustment, if any

Interlocutory proceedings not completed at end of year.

1927 .- No. 50. The Cleveland Shipbuilding Company, Limited, Teesbank, Limited, The Owners of the Middlesbrough Estate, Limited, Connal and Company, Limited, Tyne-Tees Steam Shipping Company, Limited, Crewdson, Hardy and Company, Limited, The Corporation of Middlesbrough, Dorman Long and Company, Limited, R. Hill and Company, Limited, Bolckow Vaughan and Company, Limited, T. Roddam Dent and Son, Limited, Gjers Mills and Company, Limited, Cochrane and Company, Limited, Pease and Partners, Limited,

W. Shaw and Company, Limited against

The London and North Eastern Railway Company.

The Applicants are Corporations, Companies or persons entitled to rights of user or other rights or privileges on, over or in respect of the Middlesbrough Owners' Railways referred to in Section 18 of the North Eastern Railway Act, 1884. They ask for an Order continuing, with certain adjustments, the tolls, rates and changes authorised under the provisions of the said Section 18.

Interlocutory proceedings not completed at end of year.

1927.-No. 51

The Forest of Dean Freighters' Association

against

The London, Midland and Scottish Railway Company. This is an application similar in terms to 1927-No. 49. Interlocutory proceedings not completed at end of year.

SECOND SCHEDULE.

CLASSIFICATION OF MEROHANDISE.

Notice is hereby given that the Railway Rates Tribunal will sit on the 26th March, 28rd July and 22nd October, 1928, to determine any questions that may be brought before them as to the alteration of the classification of merchandise, or the alteration of the classification of any article, or the classification of any article not at the time classified, or any question as to the class in which any article is classified.

The following procedure is prescribed:-

1. All applications must be filed at the office of the Registrar of the Tribunal not less than 21 days before each of the days appointed for the hearing of same.

2. The files containing the applications filed in accordance with the previous paragraph will be open for public inspection at the office of

the Registrar, at any time during office hours.

3. In the case of applications by the Railway Companies, the proposals contained in each application shall be printed and copies supplied to persons desiring same by the Secretary of the Rates and Charges Committee, Solicitor's Office, Euston Station, London, N.W.1, at a charge

of 2s. 6d. each, post free.

4. Any company or person desiring to object to any application, or any item therein, must file with the Registrar a notice of such objection, stating concisely the ground thereof, and must deliver a copy of same by registered post to the Applicant concerned. Such notice to be filed and delivered respectively not less than seven days before the date appointed for the hearing of the application. Each notice filed must be stamped with an adhesive fee stamp for 2s. 6d. (which can only be purchased at the office of the Tribunal).

5. Four additional copies of each application or objection must be

lodged with the original at the office of the Registrar.

6. The procedure prescribed herein shall not prejudice the right of any company or person to bring an application for which a special hearing is desired.

NEW EXCEPTIONAL RATES.

Notice is hereby given that the Railway Rates Tribunal have prescribed the following procedure to deal with the granting of New Exceptional Rates for which the consent of the Tribunal is required under the provisions of Section 37, sub-section (1), or Section 47, sub-section (2), of the Railways Act, 1921:-

1. The Court will sit on the following days: -13th February, 12th March, 23rd April, 21st May, 18th June, 30th July, 15th October, 19th November and 17th December, 1928, to consider all such proposed Exceptional Rates as may be submitted to them in accordance with paragraph 2 of this notice.

2. All exceptional Rates to be submitted for approval must be filed at the office of the Registrar to the Tribunal not less than 21 days before each of the days appointed for the consideration of same,

3. The files containing the Exceptional Rates filed in accordance with the preceding paragraph will be open for public inspection at the office of the Registrar at any time during office hours.

4. Any person desiring to object to the granting of any such Exceptional Rate must file with the Registrar a notice of such desire, stating concisely therein the ground of such objection, and must deliver a copy of same by registered post to the Railway Company concerned. notice to be filed and delivered respectively not less than seven days before the day appointed for the consideration of the Exceptional Rate objected to. Each notice filed must be stamped with an adhesive fee stamp for 2s. 6d. (which can only be purchased at the office of the Tribunal). 5. Four additional copies of each submission or notice of objection

must be lodged with the original at the office of the Registrar.

W.C. W.A.J. G.C.L.

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